

SYM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,194	11/13/2000	Casey William Norman	1391-CIP-00	6427

22469 7590 09/25/2002

SCHNADER HARRISON SEGAL & LEWIS, LLP  
1600 MARKET STREET  
SUITE 3600  
PHILADELPHIA, PA 19103

EXAMINER

WILLIAMS, JAMILA O

ART UNIT	PAPER NUMBER
----------	--------------

3712

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/711,194

Applicant(s)

NORMAN ET AL.

Examiner

Jamila Williams

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 6/19/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by '554 to Shapero. Shapero discloses a doll skin (rubber-like label 12) comprising a seamless, molded elastomeric material (column 1 lines 26-31 of the specification), wherein the elastomeric material is a synthetic polymer (latex elastomer, column 2 line 56-58 of the specification). Inasmuch as the skin of Shapero meets all of the structural limitations of the claims, it is inherently capable of performing all of the claimed functions.
3. Claims 1 and 3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by '249 to Goldfarb. Goldfarb discloses a doll skin (pieces 14) comprising a seamless, molded elastomeric material (column 3 lines 11-13 of the specification), wherein the elastomeric material is a synthetic polymer (styrene), wherein the skin is in a form of an animal (14b, fig 8a). Inasmuch as the skin of Goldfarb meets all of the structural limitations of the claims, it is inherently capable of performing all of the claimed functions.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over '554 to Shapero in view of '804 to Nakashima. Shapero includes all of the limitations as applied to claims above, except for the teaching of the skin being a copolymer. Nakashima teaches a color change material (fig 1) having a reversibly thermochromic layer and a porous layer for use in dolls, doll clothes, and doll accessories. Nakashima further teaches the use of ethylene vinyl acetate copolymer in the material (column 4 lines 30-36 of the specification). It would have been obvious to one of ordinary skill in the art to incorporate the skin of Shapero with the copolymer of Nakashima for the purpose of providing a more flexible covering for the doll.
6. Claims 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over '249 to Goldfarb in view of '804 to Nakashima. Goldfarb includes all of the limitations as applied to claims above, except for the teaching of the skin being a copolymer. Nakashima teaches a color change material (fig 1) having a reversibly thermochromic layer and a porous layer for use in dolls, doll clothes, and doll accessories. Nakashima further teaches the use of ethylene vinyl acetate

copolymer in the material (column 4 lines 30-36 of the specification). It would have been obvious to one of ordinary skill in the art to incorporate the skin of Goldfarb with the copolymer of Nakashima for the purpose of providing a more flexible covering for the doll.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over '554 to Shapero. Shapero discloses a doll's garment (rubber-like label 12) comprising a seamless, molded elastomeric material (column 1 lines 26-31 of the specification), wherein the elastomeric material is a synthetic polymer (latex elastomer, column 2 line 56-58 of the specification). Shapero discloses the claimed invention except for the doll having a height in the range of above 8cm to about 20 cm, as recited in claim 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a varying height range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.
8. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over '249 to Goldfarb. Goldfarb discloses a doll garment (pieces 14) comprising a seamless, molded elastomeric material (column 3 lines 11-13 of the specification), wherein the elastomeric material is a synthetic polymer (styrene), and further comprises at least one integrally molded detail (tabs 22). Goldfarb discloses the claimed invention except for the doll having a height in the range of above 8cm to about 20 cm, as recited in claim 10. It would have been obvious to

Art Unit: 3712

one having ordinary skill in the art at the time the invention was made to provide a varying height range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Allowable Subject Matter***

9. Claims 6-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 13-18 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not use to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 703-305-3312. The examiner can normally be reached on Monday-Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

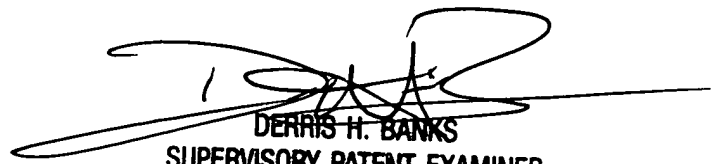
Application/Control Number: 09/711,194  
Art Unit: 3712

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

\*\*\*

September 20, 2002



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700